

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.25964 OF 2005

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Dated: 06-12-2005

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Between

Vayugundla Lakshmi Kumari, W/o. Venkateswarlu, R/o. 6/87, Sivaji Nagar, Stonehousepet, Nellore and another.

...PETITIONERS

AND

Commissioner, Municipal Corporation of Nellore, Nellore Town.

...RESPONDENT

ORDER:

Petitioners seek Writ of Mandamus to declare the order passed by the respondent in proceedings UC.No.2/2005 dated 15/09/2005 directing the petitioners to stop constructing and to further remove the structures already raised without issuing any notice and without any providing any opportunity as illegal and arbitrary.

Learned counsel for the petitioners submits that the petitioners are owners and possessors of an old house bearing door No.50 assessment No.7050/13059 situated in Pappula Street, Stonehousepet, Nellore purchased under the Registered Sale Deed bearing document No.9401 of 2003. The petitioners with intent to construct a building applied to the respondent seeking approval of building plans. The petitioners have obtained permission for construction of building vide proceedings DA No.845/04/G2 dated 03.07.2004. Accordingly, the petitioners have demolished the old house and commenced the construction. While so, the respondent issued impugned notice dated 15.09.2005 directing the petitioners to stop

construction alleging that the petitioners are constructing the building contrary to the approved plan. No particulars have been mentioned in the impugned notice as regards to the constructions made contrary to the approved plan.

As the impugned notice itself is bereft of any material particulars, it is set aside keeping it open for the respondent to issue notice specifying the constructions made contrary to the approved plan and take appropriate action in accordance with law.

The writ petition is accordingly disposed of.

V. ESWARAIAH, J

December 6, 2005

Note: Furnish C.C. of the order by 07.12.2005

(B/O)

DSK